

1 Department shall promulgate rules for procedures by which
2 those circumstances shall be determined and that afford
3 the applicant due process of law.

4 (4) Has had a license or permanent employee
5 registration card refused, denied, suspended, or revoked
6 under this Act.

7 (5) Has been declared incompetent by any court of
8 competent jurisdiction by reason of mental disease or
9 defect and has not been restored.

10 (6) Has been dishonorably discharged from the armed
11 services of the United States.

12 (b) No person may be employed by a private detective
13 agency, private security contractor agency, or private alarm
14 contractor agency, or locksmith agency under this Section
15 until he or she has executed and furnished to the employer,
16 on forms furnished by the Department, a verified statement to
17 be known as "Employee's Statement" setting forth:

18 (1) The person's full name, age, and residence
19 address.

20 (2) The business or occupation engaged in for the 5
21 years immediately before the date of the execution of the
22 statement, the place where the business or occupation was
23 engaged in, and the names of employers, if any.

24 (3) That the person has not had a license or
25 employee registration refused, revoked, or suspended
26 under this Act.

27 (4) Any conviction of a felony or misdemeanor.

28 (5) Any declaration of incompetency by a court of
29 competent jurisdiction that has not been restored.

30 (6) Any dishonorable discharge from the armed
31 services of the United States.

32 (7) Any other information as may be required by any
33 rule of the Department to show the good character,
34 competency, and integrity of the person executing the

1 statement.

2 (c) Each applicant for a permanent employee
3 registration card shall have his or her fingerprints
4 submitted to the Department of State Police in an electronic
5 format that complies with the form and manner for requesting
6 and furnishing criminal history record information as
7 prescribed by the Department of State Police. These
8 fingerprints shall be checked against the Department of State
9 Police and Federal Bureau of Investigation criminal history
10 record databases now and hereafter filed. The Department of
11 State Police shall charge applicants a fee for conducting the
12 criminal history records check, which shall be deposited in
13 the State Police Services Fund and shall not exceed the
14 actual cost of the records check. The Department of State
15 Police shall furnish, pursuant to positive identification,
16 records of Illinois convictions to the Department. The
17 Department may require applicants to pay a separate
18 fingerprinting fee, either to the Department or directly to
19 the vendor. The Department, in its discretion, may allow an
20 applicant who does not have reasonable access to a designated
21 vendor to provide his or her fingerprints in an alternative
22 manner. The Department, in its discretion, may also use other
23 procedures in performing or obtaining criminal background
24 checks of applicants. submit--to--the--Department--with--the
25 applicable--fees,--on--fingerprint--cards--furnished--by--the
26 Department,--2--complete--sets--of--fingerprints--that--are--verified
27 to--be--those--of--the--applicant.--If--an--applicant's--fingerprint
28 cards--are--returned--to--the--Department--as--unclassifiable--by--the
29 screening--agency,--the--applicant--has--90--days--after
30 notification--is--sent--by--the--Department--to--submit--additional
31 fingerprint--cards--taken--by--a--different--technician--to--replace
32 the--unclassifiable--fingerprint--cards.

33 The--Department--shall--notify--the--submitting--licensed
34 agency--within--10--days--if--the--applicant's--fingerprint--cards

1 are returned to the Department as unclassifiable. However,
2 Instead of submitting his or her fingerprints, an individual
3 may submit proof that is satisfactory to the Department that
4 an equivalent security clearance has been conducted. Also, a
5 ~~full-time peace officer~~ or an individual who has retired as a
6 peace officer within 12 months of application may submit
7 verification, on forms provided by the Department and signed
8 by one's employer, of his or her full-time employment as a
9 peace officer. "Peace officer" means any person who by
10 virtue of his or her office or public employment is vested by
11 law with a duty to maintain public order or to make arrests
12 for offenses, whether that duty extends to all offenses or is
13 limited to specific offenses; officers, agents, or employees
14 of the federal government commissioned by federal statute to
15 make arrests for violations of federal criminal laws are
16 considered peace officers.

17 (d) ~~Upon receipt of the verified fingerprint cards, the~~
18 ~~Department shall cause the fingerprints to be compared with~~
19 ~~fingerprints of criminals now or hereafter filed with the~~
20 ~~Illinois Department of State Police. The Department may also~~
21 ~~cause the fingerprints to be checked against the fingerprints~~
22 ~~of criminals now or hereafter filed in the records of other~~
23 ~~official fingerprint files within or without this State. The~~
24 Department shall issue a permanent employee registration
25 card, in a form the Department prescribes, to all qualified
26 applicants. The Department shall notify the submitting
27 licensed agency within 10 days upon the issuance of or intent
28 to deny the permanent employee registration card. The holder
29 of a permanent employee registration card shall carry the
30 card at all times while actually engaged in the performance
31 of the duties of his or her employment. Expiration and
32 requirements for renewal of permanent employee registration
33 cards shall be established by rule of the Department.
34 Possession of a permanent employee registration card does not

1 in any way imply that the holder of the card is employed by
2 an agency unless the permanent employee registration card is
3 accompanied by the employee identification card required by
4 subsection (g) of this Section.

5 (e) (Blank). ~~Within 5 days of the receipt of the~~
6 ~~application materials, the Department shall institute an~~
7 ~~investigation for a criminal record by checking the~~
8 ~~applicant's name with immediately available criminal history~~
9 ~~information systems.~~

10 (f) Each employer shall maintain a record of each
11 employee that is accessible to the duly authorized
12 representatives of the Department. The record shall contain
13 the following information:

14 (1) A photograph taken within 10 days of the date
15 that the employee begins employment with the employer.
16 The photograph shall be replaced with a current
17 photograph every 3 calendar years.

18 (2) The employee's statement specified in
19 subsection (b) of this Section.

20 (3) All correspondence or documents relating to the
21 character and integrity of the employee received by the
22 employer from any official source or law enforcement
23 agency.

24 (4) In the case of former employees, the employee
25 identification card of that person issued under
26 subsection (g) of this Section.

27 Each employee record shall duly note if the employee is
28 employed in an armed capacity. Armed employee files shall
29 contain a copy of an active Firearm Owners Identification
30 Card and a copy of an active Firearm Authorization Card.

31 Each employer shall maintain a record for each armed
32 employee of each instance in which the employee's weapon was
33 discharged during the course of his or her professional
34 duties or activities. The record shall be maintained on

1 forms provided by the Department, a copy of which must be
2 filed with the Department within 15 days of an instance. The
3 record shall include the date and time of the occurrence, the
4 circumstances involved in the occurrence, and any other
5 information as the Department may require. Failure to
6 provide this information to the Department or failure to
7 maintain the record as a part of each armed employee's
8 permanent file is grounds for disciplinary action. The
9 Department, upon receipt of a report, shall have the
10 authority to make any investigation it considers appropriate
11 into any occurrence in which an employee's weapon was
12 discharged and to take disciplinary action as may be
13 appropriate.

14 The Department may, by rule, prescribe further record
15 requirements.

16 (g) Every employer shall furnish an employee
17 identification card to each of his or her employees. This
18 employee identification card shall contain a recent
19 photograph of the employee, the employee's name, the name and
20 agency certification number of the employer, the employee's
21 personal description, the signature of the employer, the
22 signature of that employee, the date of issuance, and an
23 employee identification card number.

24 (h) No employer may issue an employee identification
25 card to any person who is not employed by the employer in
26 accordance with this Section or falsely state or represent
27 that a person is or has been in his or her employ. It is
28 unlawful for an applicant for registered employment to file
29 with the Department the fingerprints of a person other than
30 himself or herself, or to fail to exercise due diligence in
31 resubmitting replacement fingerprints for those employees who
32 have had original fingerprint submissions returned as
33 unclassifiable.

34 (i) Every employer shall obtain the identification card

1 of every employee who terminates employment with him or her.

2 (j) Every employer shall maintain a separate roster of
3 the names of all employees currently working in an armed
4 capacity and submit the roster to the Department on request.

5 (k) No agency may employ any person to perform a
6 licensed activity under this Act unless ~~the person~~
7 possesses a valid permanent employee registration card, ~~or~~
8 the person has a valid license under this Act, or the person
9 is exempt pursuant to subsection (o). ~~or~~

10 (k-5) Notwithstanding the provisions of subsection (k),
11 an agency may employ a person in a temporary capacity if the
12 following conditions are met:

13 (1) The agency completes in its entirety and
14 submits to the Department an application for a permanent
15 employee registration card, including the required
16 fingerprint receipt and fees;

17 (2) The agency has verification from the Department
18 that the applicant has no record of any criminal
19 conviction pursuant to the criminal history check
20 conducted by the Department of State Police. The agency
21 shall maintain the verification of the results of the
22 Department of State Police criminal history check as part
23 of the employee record as required under subsection (f)
24 of this Section;

25 (3) The agency exercises due diligence to ensure
26 that the person is qualified under the requirements of
27 the Act to be issued a permanent employee registration
28 card; and

29 (4) The agency maintains a separate roster of the
30 names of all employees whose applications are currently
31 pending with the Department and submits the roster to the
32 Department on a monthly basis. Rosters are to be
33 maintained by the agency for a period of at least 24
34 months.

1 An agency may employ only a permanent employee applicant
2 for which it either submitted a permanent employee
3 application and all required forms and fees or it confirms
4 with the Department that a permanent employee application and
5 all required forms and fees have been submitted by another
6 agency and all other requirements of this Section are met.

7 The Department shall have the authority to revoke,
8 without a hearing, the temporary authority of an individual
9 to work upon receipt of Federal Bureau of Investigation
10 fingerprint data or a report of another official authority
11 indicating a criminal conviction. If the Department has not
12 received a temporary employee's Federal Bureau of
13 Investigation fingerprint data within 120 days of the date
14 the Department received the Department of State Police
15 fingerprint data, the Department may, at its discretion,
16 revoke the employee's temporary authority to work with 15
17 days written notice to the individual and the employing
18 agency.

19 An agency may not employ a person in a temporary capacity
20 if it knows or reasonably should have known that the person
21 has been convicted of a crime under the laws of this State,
22 who has been convicted in another state of any crime that is
23 a crime under the laws of this State, who has been convicted
24 of any crime in a federal court, or who has been posted as an
25 unapproved applicant by the Department. Notice by the
26 Department to the agency, via certified mail, personal
27 delivery, electronic mail, or posting on an internet site
28 accessible to the agency that the person has been convicted
29 of a crime shall be deemed constructive knowledge of the
30 conviction on the part of the agency.

31 The Department may adopt rules to implement this
32 subsection (k-5).

33 {2}--The-agency+

34 {i}--on--behalf--of--each--person--completes--in--its

1 entirety--and---submits---to---the---Department---an
 2 application--for--a--permanent-employee-registration
 3 card,-including-the-required--fingerprint--card--and
 4 fees;

5 (ii)--exercises--due--diligence--to-ensure-that
 6 the-person-is-qualified-under--the--requirements--of
 7 the---Act---to---be---issued--a--permanent--employee
 8 registration-card;-and

9 (iii)--maintains-a-separate-roster-of-the-names
 10 of-all-employees-whose--applications--are--currently
 11 pending--with--the-Department-and-submits-the-roster
 12 to-the-Department-on-a-monthly-basis.---Rosters--are
 13 to--be--maintained--by-the-agency-for-a-period-of-at
 14 least-24-months.

15 (l) (Blank). Failure--by--an--agency--to---submit---the
 16 application,-fees,-and-fingerprints-specified-in-this-Section
 17 before-scheduling-the-person-for-work-shall-result-in-a-fine,
 18 in-an-amount-up-to-\$1,000,-or-other-disciplinary-action-being
 19 imposed--against--the-agency.--Failure-to-maintain-and-submit
 20 the-specified-rosters-is-grounds-for--discipline--under--this
 21 Act.

22 (m) No person may be employed under this Section in any
 23 capacity if:

24 (i) The person while so employed is being paid by
 25 the United States or any political subdivision for the
 26 time so employed in addition to any payments he or she
 27 may receive from the employer.

28 (ii) The person wears any portion of his or her
 29 official uniform, emblem of authority, or equipment while
 30 so employed except as provided in Section 30.

31 (n) If information is discovered affecting the
 32 registration of a person whose fingerprints were submitted
 33 under this Section, the Department shall so notify the agency
 34 that submitted the fingerprints on behalf of that person.

1 (o) Peace officers, as defined in subsection (c), shall
 2 be exempt from the requirements of this Section relating to
 3 permanent employee registration cards. The agency shall
 4 remain responsible for any peace officer employed under this
 5 exemption, regardless of whether the peace officer is
 6 compensated as an employee or an independent contractor and
 7 as further defined by rule.

8 (Source: P.A. 91-357, eff. 7-29-99; 91-815, eff. 6-13-00.)

9 (225 ILCS 446/185)

10 (Section scheduled to be repealed on December 31, 2003)

11 Sec. 185. Firearm authorization; training courses.

12 (a) No person shall perform duties that include the use,
 13 carrying, or possession of a firearm in the performance of
 14 those duties without fully complying with this Section and
 15 having been issued a valid firearm authorization card by the
 16 Department. This Act permits only the following to carry
 17 firearms while actually engaged in the performance of their
 18 duties or while commuting directly to or from their places of
 19 employment: persons licensed as private alarm contractors;
 20 persons licensed as private detectives; persons licensed as
 21 private security contractors and their registered employees;
 22 and registered armed proprietary security forces and their
 23 registered employees.

24 (b) No employer shall employ any person to perform the
 25 duties for which employee registration is required under
 26 Section 80 and allow that person to carry a firearm in the
 27 performance of those duties unless that person has fully
 28 complied with the firearm training requirements specified in
 29 this Section and has been issued a valid firearm
 30 authorization card by the Department.

31 Actual possession of a valid firearm authorization card
 32 allows an employee to carry a firearm not otherwise
 33 prohibited by law, while the employee is actually engaged in

1 the performance of his or her duties or while the employee is
2 commuting directly to or from the employee's place or places
3 of employment, provided that this commuting is accomplished
4 within one hour from departure from home or a place of
5 employment.

6 (c) The Department shall evaluate and either approve or
7 disapprove training programs for the basic firearm training
8 course. The determination by the Department shall be
9 reasonably made.

10 The firearm training course shall be taught by an
11 instructor qualified to give the instruction. Reasonable
12 qualifications shall be determined by the Department.

13 The firearm training course may be conducted by agencies
14 or institutions approved by the Department or may be
15 conducted by a licensee or any agency certified by this Act
16 so long as the course is approved by the Department. The
17 firearm course shall consist of the following:

18 (1) A minimum of 40 hours of training, 20 of which
19 shall be as described in Section 180, and 20 of which
20 shall be as follows:

21 (i) instruction in the dangers of and misuse
22 of the firearm, safety rules, and care and cleaning
23 of the firearm;

24 (ii) practice firing on a range with live
25 ammunition;

26 (iii) instruction in the legal use of firearms
27 under the provisions of the Criminal Code of 1961,
28 and relevant court decisions;

29 (iv) a forceful presentation of the ethical
30 and moral consideration assumed by any person who
31 uses a firearm;

32 (v) a review of the current law regarding
33 arrest, search, and seizure; and

34 (vi) liability for acts.

1 (2) An examination shall be given at the completion
2 of the course. The examination shall be in 2 parts which
3 shall consist of a firearms qualification course and a
4 written examination, which shall be approved by the
5 Department. Successful completion shall be determined by
6 the Department.

7 (d) The firearm training requirement shall be waived for
8 an employee who has completed training provided by the
9 Illinois Law Enforcement Training Standards Board, or the
10 equivalent public body in another state, provided supporting
11 documentation showing requalification with the weapon on the
12 firing range is submitted to the Department. Notwithstanding
13 any other provision of this Act to the contrary, all
14 requirements relating to firearms authorization cards do not
15 apply to a peace officer as defined in subsection (c) of
16 Section 80 of this Act. ;--er-fer--an--employee--who--is--also
17 employed--as--a--law--enforcement--officer--as-defined-in-the
18 Illinois-Police-Training-Act.

19 (e) The Department shall issue a firearm authorization
20 card to a person who has passed an approved basic firearm
21 training course, who is currently employed by an agency
22 certified under this Act, who is authorized under subsection
23 (a) of this Section, who has met all the requirements of the
24 Act, and who possesses a valid Firearm Owner Identification
25 Card. Application for the card shall be made by the employer
26 to the Department on forms provided by the Department. The
27 Department shall forward this card to the employer who shall
28 be responsible for its issuance. The firearm authorization
29 card shall be issued by the Department in the form of a
30 pocket card designed by the Department and shall identify the
31 person holding the card and the name of the course where the
32 employee received firearm instruction; the card shall specify
33 the type of weapon or weapons that the person is authorized
34 by the Department to carry and for which the person has been

1 trained.

2 (f) Expiration and requirements for renewal of firearm
3 authorization cards shall be established by rule of the
4 Department.

5 (g) The Department may, in addition to any other
6 discipline allowed under this Act, refuse to issue, suspend,
7 or revoke a firearm authorization card if the applicant or
8 holder has been convicted of any felony or any crime
9 involving the illegal use, carrying, or possession of a
10 deadly weapon, or for violation of this Act or rules
11 promulgated under this Act. The procedures in this Act for
12 disciplining a licensee shall be followed in taking action
13 under this paragraph.

14 The Department shall refuse to issue or shall revoke a
15 Firearm Authorization Card if the applicant or holder fails
16 to hold a valid Firearm Owners Identification Card.

17 The Director shall summarily suspend a firearm
18 authorization card if the Director finds that continued use
19 of the card would constitute an immediate danger to the
20 public health, safety, or welfare. A prompt hearing on the
21 charges shall be held before the Board if the Director
22 summarily suspends a Firearm Authorization Card.

23 (Source: P.A. 88-363; 88-586, eff. 8-12-94; 89-694, eff.
24 12-31-96.)".